

ASSISTANT CITY ATTORNEY II

General Statement of Duties: Under the general direction of the City Attorney, performs professional and administrative legal work for the City; and functions as a legal advisor to the City Council, Mayor and department heads with regard to legal authority of the City. Work is performed in accordance with general policies of the City Attorney and the accepted standards and practices of the legal profession.

Distinguishing Features of the Class: An employee in this class is assigned to work independently on complex cases and legal work in the department. Such employee routinely represents the City in litigation, including trials to the court, jury trials, and appeals to a higher court. Such employee works with minimal supervision, consulting with the City Attorney as the need arises. Evaluation of work performance is done on the basis of review of completed assignments and of results achieved.

Areas of Accountability:

1. Provides advice and recommendations and renders oral and written opinions to the City Council, Mayor and department heads.
 - Attends Council meetings and staff meetings for the purpose of learning policies underlying official action and gives advice on legal implications involved, including advice as to alternative legal and administrative approaches to the solution of major City problems;
 - Keeps informed of proposed state and federal legislation affecting the City government;
 - Keeps the City Attorney and appropriate management staff members informed on important legal developments which may affect the administration of City government;
 - Maintains current knowledge of innovative ideas and developments and recommends changes in current operations and practices where applicable;
 - Attends meetings of boards and commissions and acts as staff liaison;
 - Prepares factual, clear, concise written reports with specific recommendations;
 - Serves as an active member of management staff teams created to deal with specific problems and issues when a legal perspective is deemed desirable.
2. Performs document drafting work for the City Council and administration.
 - Draws legal documents, including contracts, leases, deeds, easements, resolutions and ordinances;
 - Assists in the drafting and review of proposals and legal documents developed and submitted by administrative staff members;
 - Determines the legality of documents affecting or involving the City and advises the City Council and/or City staff concerning same.

3. Represents the City in criminal prosecution of ordinance violations.

- Prosecutes, where appropriate, criminal complaints, citations, or information filed with the Pottawattamie County District Court involving allegations of City ordinance violations, regardless whether made or filed by Council Bluffs Police Officers, City staff responsible for ordinance enforcement, or private citizens;
- Interviews witnesses, complaining party and/or police officers or the City enforcement personnel involved;
- Assists City staff, other than police, prior to the filing of information to determine if violation of City ordinance has occurred, to determine if probable cause exists to prosecute a particular person, and to determine if there is adequate proof for successful prosecution;
- Advises private complainants as to all applicable City ordinances;
- Reviews police reports and consults with private complainants prior to the filing of any information by them with regard to the consequences of malicious prosecution and failure to prosecute;
- Secures witnesses for trial by subpoenas, if necessary, and tries criminal cases to court or to jury;
- Advises court as to appropriate penalty or sentence by the City;
- Keeps City Attorney and appropriate City staff informed concerning all criminal cases where the facts or circumstances may result in adverse civil consequences for the City.

4. Represents the City before boards, commissions, or administrative agencies of the state and federal governments.

- Represents the City Council, City administration, and/or individual City departments before or commissions of the City;
- Participates in hearing and appeals before such boards, commissions, or agencies;
- Advises the City Council and City staff concerning potential outcomes and the financial and policy implications involved in matters before such agencies, and concerning appropriate strategy, including court appeals, to be followed on matters such boards, commissions, and agencies.

5. Communicates with the public in responding to inquiries.

- Provides information to the public with regard to City ordinances, and the laws of Iowa relating to cities;
- Informs public with regard to the City's policy or position with regard to such ordinances or such laws;
- Gives advice to public where appropriate and if not contrary to City's interests;
- Refers public to appropriate City departments or staff for further explanation of City policies or procedures;
- Advises appropriate City administrative staff of complaints by the public concerning City operations, policies, or personnel.

6. Miscellaneous.

- Maintains adequate and orderly files on all matters before such boards, commissions, or agencies;
- Assists in the supervision of non-professional staff of the legal department;
- Acts as City Attorney in the absence of the City Attorney, if so designated;
- Courteously communicates with the public and functions in a public relations capacity on the City's behalf;
- Pursues continuing professional legal education in appropriate fields.

Required Knowledge, Skills and Abilities: Good knowledge of judicial procedures and rules of evidence; good knowledge of City ordinances, state, federal, and general municipal laws including accepted legal or court interpretations; good knowledge of the organization, functions and legal limitations on the authority of the various City departments; good knowledge of the principles of civil law, particularly as they relate to the ownership, acquisition and conveyance of real property, the conduct of elections and the regulation of public utilities; good knowledge of the principles of criminal law and of the problems of criminal enforcement, procedure, and evidence; good knowledge of what can be accomplished by legal approaches, what must be done by administrative approaches and how the two must be balanced to achieve the intent of City departments and to protect the public interest; ability to analyze, appraise, and organize facts, evidence and precedents and to present such materials effectively, orally and in writing; ability to determine the limits of action available to opponents and the probable courses of action of opponents in court cases; ability to present and argue cases in court, dealing smoothly with unanticipated situations when these arise; ability to establish and maintain effective relations with court officials, City officials and the general public; ability to negotiate settlements; ability to observe and train new attorneys in the research and preparation of municipal work and in trial work; good judgement; good physical condition.

ACCEPTABLE EXPERIENCE AND TRAINING: Some experience as an attorney and graduation from a recognized school of law, preferably with specialization or emphasis on municipal law; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities.